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Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No.

2009-64

**MARGARET DALY MCKENNA, aka  
MARGARET DALY, aka  
MARGARET DALY TIERNEY**  
110 W. Bayou Parkway, #605  
Lafayette, Louisiana 70503

**ACCUSATION**

Registered Nurse License No. 409163

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

**License History**

2. On or about March 31, 1984, the Board issued Registered Nurse License Number 409163 ("license") to Margaret Daly McKenna, also known as Margaret Daly and Margaret Daly Tierney ("Respondent"). The license will expire on January 31, 2009, unless renewed.

## STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

## COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)


3 8. Respondent's license is subject to disciplinary action under Code section  
4 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's nursing  
5 license has been disciplined by the Louisiana State Board of Nursing ("Louisiana Board").  
6 Effective October 10, 2000, Respondent's Registered Nurse License was automatically  
7 suspended for a minimum of six months and Respondent was ordered to cease and desist the  
8 practice of nursing. The circumstances underlying the disciplinary action are that Respondent  
9 failed to comply with the stipulations of the Recovery Nurse Program in that she relapsed twice  
10 and tested positive for alcohol while participating in the program. A copy of the letter by the  
11 Louisiana Board advising Respondent of the suspension is attached as **Exhibit A**, and is  
12 incorporated herein.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 409163 issued  
17 to Margaret Daly McKenna, also known as Margaret Daly and Margaret Daly Tierney;  
18 2. Ordering Margaret Daly McKenna, also known as Margaret Daly and  
19 Margaret Daly Tierney to pay the Board the reasonable costs of the investigation and  
20 enforcement of this case, pursuant to Code section 125.3; and,  
21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 9/23/08

23  
24   
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

# EXHIBIT A

# Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 or (225) 763 3577 Fax: (225) 763-3580

[www.lsbns.state.la.us](http://www.lsbns.state.la.us)

November 30, 2006

California Board of Registered Nursing  
Enforcement Program  
Kristie Powell, Enforcement Technician  
1625 North Market Blvd Suite N-217  
Sacramento, CA 95834-1924

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **MARGARET DALY TIERNEY, SS# 434-04-4803**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this November 30, 2006

LOUISIANA STATE BOARD OF NURSING

*Barbara L. Morvant, MN, RN*

BARBARA L. MORVANT, MN, RN  
EXECUTIVE DIRECTOR

BOARD SEAL

By *Michelle G. Wells*  
Michelle G. Wells, MSHCM, BSN, RNC  
Compliance Manager

Enclosures

BLM/MGW/hf

# Louisiana State Board of Nursing

Suite 501  
3510 N. Causeway Blvd.  
Metairie, LA 70002  
Telephone (504) 838-5332  
Facsimile (504) 838-5349

Certified Mail  
Return Receipt Requested

October 10, 2000

Margaret Daly Tierney  
110 W. Bayou Pkwy. #605  
Lafayette, LA 70503

Dear Ms. Tierney:

Reference is to the Program Agreement effective January 11, 2000 with the Recovering Nurse Program. This agreement allowed your Louisiana RN license to be retained, contingent upon adherence to all stipulations of the Recovering Nurse Program. A review of your file reveals that you are not in compliance with the aforementioned agreement.

On October 6, 2000, the Recovering Nurse Program (RNP) reported that you were out of compliance with stipulations of RNP, in that you relapsed for the second time on August 29, 2000. Fellow employees smelled alcohol on your breath and a Breath Alcohol Test was performed which tested positive for alcohol with the first result registering .086 and the confirmation result registering .079. As a result of this positive alcohol screen, you were terminated from Our Lady of Lourdes.

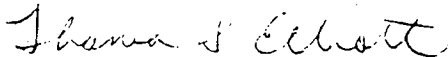
The Rules of the Board, specifically LAC 46:XLVII.3419.F.1.c. provide that at second relapse or non/compliance, the nurse's license will be automatically suspended for a minimum of six (6) months. Therefore, your Louisiana RN license is suspended for a minimum of six (6) months. Please return your 2000 license immediately.

**YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.**

You are further advised that you should re-enter and remain in full compliance with RNP for an extended period of time before applying for reinstatement.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

LOUISIANA STATE BOARD OF NURSING



Thania S. Elliott, RN, MSH, JD  
Nursing Consultant for Compliance

cc: RNP  
Employer